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10 Attorneys for Defendant
GENEA ENERGY PARTNERS, INC.
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12 **IN THE UNITED STATES DISTRICT COURT**
13 **FOR THE CENTRAL DISTRICT OF CALIFORNIA**
14

15 JOHN MATTER, dba MATTER SYSTEMS
16 and MARK FULTON, dba INTEGRITY
17 AUTO-MATED SOLUTIONS,

18 Plaintiffs,

19 v.

20 KEITH VOYSEY, Chief Technology
Officer, GENE ENERGY PARTNERS,
INC., a California Corporation, DAVID
21 BALKIN, position unknown, CHRIS
TAYLOR, position unknown, and DOES 1
22 through 50, inclusive,

23 Defendants.
24

Case No.: 8:15-cv-00978-DOC-AGR

**AMENDED NOTICE OF
MOTION AND MOTION TO
DISMISS PURSUANT TO FRCP
12(b)(1) & 12(b)(6)**

Date: January 11, 2016
Time: 8:30 a.m.
Dept: 9D

Judge: Hon. David O. Carter
Complaint Filed: June 19, 2015
FAC Filed: October 5, 2015

25 TO THE HONORABLE DAVID O. CARTER, UNITED STATES DISTRICT
26 COURT JUDGE, THE PARTIES AND THEIR COUNSEL OF RECORD:
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28

PLEASE TAKE NOTICE that on January 11, 2016, at 8:30 a.m., or as soon thereafter as the matter may be heard in Courtroom 9D of the above entitled Court, Defendant, GENE A ENERGY PARTNERS, INC. (“Genea”) will move the Court to dismiss the action pursuant to Rule 12(b)(1) and 12(b)(6) of the Federal Rules of Civil Procedure because Plaintiffs’ Amended Complaint fails for want of subject matter jurisdiction and on the further grounds that the complaint fails to state factual allegations that demonstrate a plausible claim against Genea.

On November 16, 2015, counsel for Genea telephoned Mr. Gregory Richardson, counsel for Plaintiffs John Matter and Mark Fulton (collectively “Plaintiffs”) to discuss the substance of Genea’s contemplated motion to dismiss and to discuss any potential resolution pursuant to L.R. 7-3. The parties were unable to resolve their dispute and this motion is made following the conference of counsel.

The motion is based on this Notice of Motion and Motion, Genea’s Memorandum of Points and Authorities (Dkt. 15-2), the Consolidated Request For Judicial Notice In Support Of Genea’s Motion For Rule 11 Sanctions and Motion To Dismiss (Dkt. 17), other evidence properly before the Court, and the arguments of counsel at the hearing.

Respectfully submitted,

Dated: December 14, 2015

DUANE MORRIS LLP

By: /s/ Ray L. Wong

Ray L. Wong
Patrick S. Salceda
Attorneys for Defendant
GENEA ENERGY PARTNERS, INC.

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